

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE DIREXION SHARES ETF TRUST	:	Master File No. 1:09-CV-08011-KBF
	:	
_____	:	Judge Katherine B. Forrest

NOTICE OF APPEAL

Notice is hereby given that named proposed intervenor in the above captioned civil action Barton A. Boothe, individually and on behalf of those similarly situated, hereby appeals to the United States Court of Appeals for the Second Circuit from the Opinion and Order, dated January 27, 2012, with respect to that part of the Opinion and Order that denies the proposed intervenor's motion to intervene in the action. A class has not yet been certified in this action.

The other parties and counsel to the Opinion and Order, Opinion and Judgments described above are:

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February 22, 2012

Respectfully submitted,

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